04-29-05 PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE duction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 718,864 Filing Date FRANSMITTAL NOVEMBER 2003 First Named Inventor ISTELAIL **FORM** JEFFERY Art Unit 3618 **Examiner Name** PHAN HAU (to be used for all correspondence after initial filing) **Attorney Docket Number** Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Drawing(s) Fee Transmittal Form Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer below): Extension of Time Request Request for Refund **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Remarks Certified Copy of Priority (a) 1-page claims restrictions Document(s) Reply to Missing Parts/ original 4 page OFFICE ACTION SUMMARY. Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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APPLICATION NO. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/718,864 TAD 2003	Jeffery A. Ismail		1365	
7590 04/07/2005		EXAM	INER	
JEFFERY A. ISMAIL	· · · · · · · · · · · · · · · · · · ·		PHAN, HAU VAN	
P.O. BOX 7785 AUBURN, CA 95604		ART UNIT	PAPER NUMBER	
75004		3618	TALER NUMBER	
		DATE MAILED: 04/07/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

APE &		
and and	Application No.	Applicant(s)
APR 28 2005	10/718,864	ISMAIL, JEFFERY A.
Office Action Summary	Examiner	Art Unit
TA TRADE	Hau V Phan	3618
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply within the statutory minimum of thirty (3 rill apply and will expire SIX (6) MONTH; cause the application to become ABAN	y be timely filed BO) days will be considered timely. S from the mailing date of this communication. DONED (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on 21 No 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters	
Disposition of Claims		
4) ☐ Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-18 are subject to restriction and/or example.	vn from consideration.	
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9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accompanies		the Examiner
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	ion is required if the drawing(s)	is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Apprity documents have been re u (PCT Rule 17.2(a)).	olication No eceived in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date S. Patent and Trademark Office	Paper No(s)/	mmary (PTO-413) Mail Date ormal Patent Application (PTO-152)
	ction Summary	Part of Paner No /Mail Date 20050401

Application/Control Number: 10/718,864

Art Unit: 3618

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - 1. Claims 1-17, drawn to a cart, classified in class 280, subclass 47.34.
- II. Claim 18, drawn to welding unit, classified in class 242, subclass 559.

 The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed such as cart having a front independent suspension system and welding equipment. The subcombination has separate utility such as welding unit could be mounted on a table or a frame.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Mr. Jeffery Ismail on 4/1/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Hau V Phan **Primary Examiner**

Hau V Phan
Primary Exam
Art Unit 3618

4/1/05